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MAR 12 2004

OFFICE OF THE DIRECTOR
TC 3600

ROBERT W. BECKER & ASSOCIATES
707 HIGHWAY 66 EAST
SUITE B
TIJERAS, NM 87059

In re Application of
Wilhelm Geis, et al.
Application No. 09/284,311
Filed: April 26, 1999
For: SHAFT LOCKING DEVICE

: DECISION ON PETITION
: TO WITHDRAW THE
: HOLDING OF ABANDONMENT

This is in response to applicants' petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on December 22, 2003.

The petition is **DISMISSED**.

Applicants' petition submits a statement that the this petition was originally filed with the Office May 4, 2001 and provides as evidence a copy of an Express Mail receipt with an express mail label on the copy of the original petition. The petition alleges that the Office action mailed December 1, 1999 was not received.

A review of the file record reveals that the application became abandoned for failure to respond to the Office action mailed to applicants on December 1, 1999 and a Notice to that affect was mailed June 29, 2000.

The applicant submits that the Office action was never received by the applicant and provides copies of various computer screens and a file jacket cover related to this particular case and attest to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and
- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include a copy of the list of all responses in the practitioner's office (at the address of record at the time of mailing the Office action on December 1, 1999, i.e., 11896 N. Highway 14, Suite B, Tijeras, NM 87059) with the due date of March 1, 2000. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G.53 (November 16, 1993). While meeting requirements (1) and (2) above the petitioner has failed to comply with requirement (3).

To satisfy requirement (3) above, a docket record showing all actions due by the **firm** of Robert W. Becker & Associates at and around the due dates of March 1, 2000, needs to be supplied. Since the address of record has changed apparently around the time of the mailing of the December 1, 1999 Office action, a statement, supported by evidence, is required as to when the address was in fact changed.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Ken Dorner at (703) 308-0866.



Kenneth J. Dorner, Special Program Examiner
Patent Technology Center 3600
(703) 308-0866

KJD/cps: 2/24/04